

1 ARIZONA DEPARTMENT OF TRANSPORTATION
2 PUBLIC HEARING
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11 Clifton, Arizona
12 November 19, 1981
13 7:30 p.m.
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19 COMBINED LOCATION AND DESIGN PUBLIC HEARING

20 PROPOSED PROJECT F-051-2-309PE
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ROBERT J. BAUGH
Court Reporter

1 COMBINED LOCATION AND DESIGN PUBLIC HEARING
2 on Proposed Project F-051-2-309PE, taken on November 19, 1981,
3 at the Clifton High School auditorium, Clifton, Arizona, at
4 the hour of 7:30 p.m., before the following panel:

5 Mr. Bill Hayden,
6 Environmental Planning Services

7 Mr. John Bolles, Branch Manager,
8 Phelps-Dodge Corporation, Morenci Division

9 Mr. Mike Shern,
10 Director of Geological Services for Phelps-Dodge

11 Mr. Jerry Ohnesorgen,
12 District 3 Engineer

13 Clifton, Arizona
14 November 19, 1981
15 7:30 p.m.

16 MR. HAYDEN: Good evening, ladies and gentlemen.
17 I would like to commence with this evening's meeting.

18 Can everyone in the very back hear?

19 Fine.

20 Good evening, ladies and gentlemen. On behalf of
21 the Arizona Department of Transportation, welcome to tonight's
22 combined location and design public hearing.

23 The purpose of tonight's meeting is twofold: First,
24 for us to present and discuss location and design alternatives
25 associated with the proposed realignment of approximately 2.5
miles of U.S. 666; secondly, to provide an opportunity for

1 material presented tonight.

2 The first 15 to 20 minutes will be used to discuss
3 the project. This review will be followed by a brief recess,
4 and then we will get to your questions and comments.

5 The question and answer period will follow our
6 initial presentation, so you needn't fill out the cards yet.
7 We will collect them during the intermission.

8 At this point, I would like to introduce our panel.
9 It's my pleasure to introduce Mr. John Bolles, branch manager
10 of the Phelps-Dodge Corporation, on my right. On my left is
11 Mr. Mike Shern, director of geological services for Phelps-
12 Dodge. And to his left is Mr. Jerry Ohnesorgen, our District 3
13 engineer. My name is Bill Hayden; I will be serving as the
14 public hearing officer this evening. Additionally, in the
15 audience is Mr. Owen Ford, deputy state engineer.

16 This project differs somewhat from our normal high-
17 way development process in that the funding for the construc-
18 tion will come directly from a private source rather than by
19 the use of revenues generated through gasoline taxes. In the
20 development of the realignment of this portion of U.S. 666,
21 both a location and design study are in progress.

22 The location study includes factors such as the type
23 of terrain, hydrology and drainage patterns, gradelines,
24 profiles, geometrics of the roadway, geology of the area, type
25 and purpose of the existing highway, et cetera.

1 For more than a year there has been much discussion
2 regarding the new highway and for the relocation of the exist-
3 ing highway. Last March I met with the Clifton town council
4 to explain the project, and shortly thereafter I spoke to the
5 Chamber of Commerce on the same subject. The scope of the
6 project hasn't changed since then. More engineering has been
7 done. New cost estimates have come in; they are higher than
8 they were before. And the need for the project is even more
9 obvious to us now.

10 When I spoke before the town council, it came on the
11 day that we had announced a week of suspension of the Morenci
12 operations that would be in connection with the summer shut-
13 down. This meeting followed by two weeks a similar announce-
14 ment regarding the winter shutdown. I hope we don't have very
15 many more of these meetings if they all come along with that
16 kind of announcement.

17 Copper was selling for 83 cents back in March. It's
18 now 81 cents. In the past six weeks there have been layoffs
19 at the Morenci branch amounting to almost five percent of the
20 work force.

21 I mention these things because the reason for our
22 relocation, recommended relocation, is solely one of economics.
23 As the mine becomes deeper and as the distance the waste dumps
24 becomes greater, the cost for disposal of that waste, which
25 must be removed, becomes greater and greater.

1 to their health and whether they continue to produce or not,
2 that's the key to the health of Greenlee County.

3 Before I relinquish the floor, I would like to make
4 one other point. There may be some confusion as to who pays
5 for the new highway. I want everyone here to know that Phelps-
6 Dodge will bear all of that cost. There will be no federal
7 or state funds used. And as I mentioned earlier, the estimated
8 cost has increased since last March. Then I told you it would
9 be 8.2 million. We now expect it to be more than 10 million.

10 And while I speak of escalating costs, I should also
11 like to correct the typographical error that came out in the
12 Copper Era yesterday. Are you listening, Jean? Phelps-Dodge
13 is committed in its smelter project, that's underway here now,
14 not to 150 thousand dollars, but to 150 million dollars.

15 With expenditures of this size, you must realize
16 that we expect and plan on being around for a long while.

17 Now I am going to turn it back to Mr. Hayden.

18 MR. HAYDEN: Thank you.

19 This was addressing the economic need of the project.

20 Next, Mr. Shern will address the specific features
21 of that project.

22 MR. SHERN: Thank you, Mr. Hayden.

23 In order to properly address the features of the
24 highway, I am going to have to go to the visuals. And, also,
25 I am fighting some laryngitis, so I am going to try to yell,

1 across the San Francisco river. The highest pier would be
2 135 feet and would be placed out of the main channel of the
3 San Francisco river. So, we don't plan in current design to
4 have any piers actually within the normal high-water portion
5 of the river.

6 The bridge will, in its current design, feature a
7 sidewalk for pedestrian traffic, which will be added outside
8 of the traffic lanes for safety.

9 Some of the access that we are looking at in more
10 detail is the access in the Morenci area. And this particular
11 visual here describes what I have shown over there, in a little
12 more detail; and you will have a chance to look at that a
13 little bit later.

14 Questions have arisen in the past about the possi-
15 bility of commercial development areas, and we have retained
16 a consultant to take some preliminary look at that, and it is
17 possible that approximately 15 acres of commercial development
18 area could be made available at the Morenci side or Shannon
19 Hill side of the proposed bridge. This is in the very prelim-
20 inary thinking stage, but we do have consultants that have
21 looked at it and we will be receiving more advice from them.

22 And that, basically, is the bulk of the details on
23 the highway and the bridge.

24 Thank you, Mr. Hayden.

25 MR. HAYDEN: Thank you, Mr. Shern.

1 redundant, but I think it certainly is an opportunity for you,
2 if you will, to formalize what is being planned and to under-
3 stand where it is being planned and specifically why it is
4 being planned.

5 We hope that our introductory remarks covered most
6 of the critical background information, but undoubtedly we did
7 not answer all your questions. You have been given a lot of
8 information in a very short period of time, although, as I
9 said, some of this may have been repeated before. It might be
10 appropriate to take a short break to allow you the opportunity
11 to reflect on anything that we have said, or perhaps to see
12 the graphics a little bit closer. I know from the back of the
13 room it is difficult to see anything up here. I would like
14 to suggest that those of you who are in the very back do come up.

15 We will take not more than a five-minute break,
16 which will allow you to fill out those cards which we will use
17 in the second portion of the program. Any of the topics that
18 were mentioned or any topics that you choose to include, we
19 will then begin to take questions and comments from you. So,
20 let's take, beginning at 7:45 approximately, about a five- to
21 six-minute break, and then we will reconvene.

22 (A recess was taken, after which the following
23 proceedings were had:)

24 MR. HAYDEN: Ladies and gentlemen, I would like to
25 call the meeting to order again.

1 official. Do we have any Greenlee County officials who may
2 wish to make a statement?

3 MR. COOPER: My name is Jackie Cooper, a member of
4 the Greenlee County Board of Supervisors.

5 We had a joint meeting this last week with the
6 town council with several members, not all the members present,
7 and also one member of the Chamber of Commerce. We never came
8 to a unanimous decision on any one particular item. We talked
9 about all the items that have been discussed about the realign-
10 ment.

11 One of the main questions is, all of you, or most of
12 you have heard this, the one about the paved public access
13 into Chase Creek from Morenci. We have several unanswered
14 questions on that as to the exact, or not the exact, but the
15 confirmation that there cannot be, Mr. Bolles, that paved
16 access road into Chase Creek.

17 I have done a personal study on my own by -- and
18 I would like to walk over to this picture over here and I
19 would like to show you what I have come up with. I am con-
20 vinced that it cannot be done, as a member of the board and
21 also as a citizen of Morenci.

22 (Mr. Cooper goes to the diagram)

23 From the Fina station, which is right here, it's
24 1.1 mile to the big curve, what we call the big curve. In
25 194-, the late 40s, the County came in and they built the

1 The County could not in any way build a public
2 access road from Point A to Point B where we could stand the
3 liabilities of people traveling that road. Standards won't
4 allow it. You have got to meet federal, state, plus our own
5 county standards, and there is none that will allow it.

6 You would have to come in the same area from Point A
7 back in behind under Markeen now; and there again, you are
8 going over the area where people would have to be relocated
9 or protection put in there for those houses in order to get
10 the grade to come back up to Point B, even for just car
11 traffic, not counting any kind of truck traffic at all.

12 (Mr. Cooper returns to the microphone)

13 One of the other questions that's going to be
14 addressed in that-- And Chapo, this is supposed to have been
15 your part; you were supposed to ask the questions and I was
16 going to get up and present the letter. What was No. 2 on
17 there? to refresh my memory.

18 MR. PEREA: State land made available.

19 MR. COOPER: Okay. It was requested in that meeting,
20 also not unanimous, that state land be made available to people
21 that, people or businesses, that would be relocated.

22 There again, that's not a fact, because at this
23 point I don't think there is any people that's going to be
24 relocated. Businesses, that would have to come from the
25 individual businesses whether or not they would want to

1 MR. COOPER: Economic.

2 MR. HAYDEN: Economic. Okay. As I indicated, a
3 feasibility study has been made of the area; now, that's dated
4 now; before final action is made, taken I should say, by the
5 board, a feasibility study, if you will, which includes
6 economics, of what we will do. And this is another feature
7 which we really haven't gotten into yet, but it might be an
8 appropriate time to mention it, and that is the disposition
9 of what we call the San Francisco river alignment, a 5.5 mile
10 piece of what we call grade and drain roadway, what we will
11 do with that.

12 As part of that and this project, we are evaluating
13 the economic impact. And I also believe, independently of
14 our study, Phelps-Dodge has also done their own study. I
15 can't relate in how much detail; I can only look to Mr. Bolles
16 and ask him what they have done.

17 MR. BOLLES: We are not qualified, really, to make
18 an economic evaluation and haven't done so. We simply -- we
19 do recognize there will be economic impacts, but to what
20 extent, I don't know.

21 MR. COOPER: One of the other questions that Mr.
22 Bolles has already answered with the presentation they made,
23 there will be an access road into Shannon Hill.

24 And, Chapo, what was one of the others that was on
25 there?

1 overlay a section from the river up to Chase Creek, where the
2 Chase Creek street comes in, with one inch of AC&C.

3 Besides that, we have got to do some crack filling
4 and possibly a seal on the rest of the section there. That's
5 what we have as of now.

6 MR. COOPER: You said that's from the north side of
7 the bridge to the far end of Chase Creek?

8 MR. OHNESORGEN: That's from the bridge to Chase
9 Creek where the street comes in.

10 MR. COOPER: What's at this end of Chase Creek?
11 What about from the north side of the bridge, which is, in my
12 estimation, in very poor shape, to the Fina station area?

13 MR. OHNESORGEN: Our project just goes up to the,
14 where the Chase Creek comes in, right now, from the north end
15 of the bridge. From there on, it's cracked. We put an AC&C
16 on that in 1975. And as of now we don't have any plans for it.

17 MR. COOPER: Okay. There's a portion of the road
18 that's extremely bad, and that's from the north end of the
19 bridge to the front of the bank.

20 MR. OHNESORGEN: That's right; that's the one that's
21 scheduled for the one-inch overlay.

22 MR. COOPER: That's all that I have.

23 MR. HAYDEN: Thank you, Mr. Cooper.

24 Do we have anyone from the City of Clifton who
25 wishes to make a comment as an adjunct to Mr. Cooper's comments?

1 And this is why we are asking these questions, is
2 to see to what extent the State can help us. And like I said
3 before, I hadn't planned on talking, because to begin with
4 I am not a public speaker, but I just wanted to express the
5 concerns of the people that have talked to us. Thank you.

6 MR. HAYDEN: Thank you, Mayor. And we certainly
7 appreciate your comments and concern as well as the concerns
8 of the business people in the community.

9 I have just one card, from Manuel Perea, and Richard
10 Reay, R-e-a-y, from the Sanitary Market. Would you care to
11 come up to the microphone?

12 MR. REAY: Yes, I would like to make a statement.
13 I don't like to be first.

14 My name is Richard Reay, and I have a business here
15 in Clifton along the highway. And I am concerned about this.
16 I must oppose the proposed bridge for the very same reason
17 that Mr. Bolles and his company support it, and that's eco-
18 nomics. My economics, not Phelps-Dodge's.

19 And I have to look at the interest of my business
20 and the people that I support in our small business, their
21 livelihoods, and I think there has been a great deal of plan-
22 ning towards what the road will be but very little said about
23 what's going to be done for the businesses in Clifton. And
24 I think everyone here that is a businessman is concerned,
25 because it's going to affect their livelihood. And I think

1 I would like to know whose interest the Department
2 of Transportation is going to serve in this matter, because
3 it's just as much of a vital influence on my life as I am
4 sure Mr. Bolles feels that it's important to his business to
5 have a bridge. Thank you.

6 MR. HAYDEN: Thank you.

7 I might add that, as I indicated in the opening
8 statement, that's one of the purposes of tonight's public
9 hearing, for those individuals, residents and business owners
10 in the community, to speak out and let us know about some of
11 their points of view and their interests. We appreciate you
12 making those statements.

13 I don't know whether or not you representatives from
14 Phelps-Dodge want to comment further on that. I think it was
15 discussed; the potential for some relocation for businesses
16 or relocated area for businesses is in the formative stage,
17 and I don't know whether or not there is enough detail to go
18 into it any further at this point, unless Mr. Bolles cares
19 to comment.

20 MR. BOLLES: I wish I could give you some specific
21 answers, I simply can't tonight. I don't have them.

22 It is very much in the formative stage. We don't
23 know what the costs might be to provide streets, utilities,
24 sewer system, in that area of relocation. Until we have some
25 idea, I cannot make a commitment.

1 some thoughts from other members of the audience. I will ask
2 if there are any other individuals who care to speak or make
3 a comment. Mayor?

4 MR. AGUILAR: I am not a speaker; I just wanted to --
5 I didn't turn a card in because our administrator was supposed
6 to be talking. This is the letter that Jackie spoke about.

7 MR. HAYDEN: The combination letter from the Board
8 of Supervisors and the City of Clifton?

9 MR. AGUILAR: Right.

10 MR. HAYDEN: Thank you.

11 There is a speaker in the back. Would you care to
12 come up to the microphone and identify yourself?

13 MR. GONZALES: Victor Gonzales of Clifton Furniture.

14 I have just a short question. What is required by
15 the Arizona Department of Transportation of, in this case
16 Phelps-Dodge Corporation, that does want to bypass the business
17 community of Clifton, what are the specific requirements of,
18 and in this case Phelps-Dodge, as far as let's say bypassing
19 a business community? For example, I am thinking of when
20 Interstate 10 passed Willcox and Benson, what standards does
21 the State require, the very minimum that an entity is required
22 to provide, at all?

23 MR. HAYDEN: Are you addressing the issue of con-
24 struction standards, and in this particular case a private
25 corporation --

1 There are no formal statutes that would apply that
2 would make, if you will, the State obligated to provide funds
3 for that type of an activity. And I realize that is kind of
4 difficult to accept, because you feel that you are being
5 impacted.

6 But I would like to say that there are several
7 avenues available to you, one of which is, and perhaps this is
8 difficult -- I am going to have to digress somewhat -- the
9 community as a whole realizes that the realignment is an
10 eventuality. There are various things that the community can
11 do during-- in fact, I don't believe it was mentioned, maybe
12 it was and I might have missed it, that the completion of the
13 project is anticipated to be some time in perhaps the third
14 quarter or the fall of 1983; is that correct?

15 MR. BOLLES: That's approximately the schedule.

16 MR. HAYDEN: Okay. That's anticipated. Okay.
17 During the approximate two-year time period that is available,
18 before the highway is completed, there are several things I
19 think the community could do.

20 I have no idea at this point how active or how
21 strong the Chamber of Commerce is. I don't know whether you
22 have a business committee formed of any kind to look at this
23 problem to identify what alternatives are available to you,
24 such as the addition of signing south of Clifton, signing to
25 indicate that first of all you have goods and services

1 being upgraded. I think -- and I will simply close this
2 without going on too long -- I think, if you will, a challenge
3 is going to be facing the community, and the community can
4 accept that challenge and take an active role and do things,
5 or it can do nothing.

6 MR. GONZALES: Thank you, very much.

7 MR. HAYDEN: Thank you.

8 The last time, any other speakers? I don't know if
9 that's similar to a wedding ceremony where they say "forever
10 hold your peace" or not, but-- Okay?

11 MAYOR AGUILAR: Mr. Hayden --

12 MR. HAYDEN: Yes.

13 MR. AGUILAR: -- do you think, if you look at the
14 letter, do you think there is a possibility that maybe you can
15 give us some idea as to what, for example, the kind of access
16 that we are going to have south, you know, out of Clifton?
17 I think that, you know, maybe the people would hear what kind
18 we are going to have; are we going to have a light, are we
19 going to have an island, or what -- what kind of an access are
20 we going to have?

21 MR. HAYDEN: As far as construction features of the --

22 MR. AGUILAR: Right.

23 MR. HAYDEN: -- junction?

24 MR. AGUILAR: Right; the intersection.

25 MR. HAYDEN: Mike, would you mind repeating what you

1 MR. COOPER: I might mention, one of the concerns
2 mentioned at our meeting the other night was the possibility
3 of some kind of a traffic light at the critical times of the
4 day, like in the afternoons from 3:30 to 4:30. People are
5 concerned that they might not be able to exit from Clifton on
6 to the highway. Or in the morning hours from say 6:30 to 7:00
7 o'clock, in the same manner, from the traffic coming in, boys
8 going to and from work. It would be critical times of the
9 day that it would be hard to gain access to that road. That
10 was one of my concerns.

11 MR HAYDEN: I imagine that would be a Department of
12 Transportation type judgment.

13 Would you care to comment, Owen?

14 MR. FORD: I might just say that any intersection
15 where traffic is a problem and it builds up, over the state
16 we are continually studying these, and if it was a problem,
17 so much traffic there that it required some type of signaliza-
18 tion, we would be looking into it. But it's hard to antici-
19 pate right now, with the amount of traffic projected, whether
20 there would be a problem or not. But that's part of what we
21 look at, is the intersection to see if the movements can be
22 made and there will be enough breaks in the traffic to get
23 you through there.

24 MR. HAYDEN: I might add one other -- and this is
25 really a, well, I guess it would have to be an official

1 know that Phelps-Dodge is going to spend 10 million dollars
2 on the chance that this road is not going to be abandoned.
3 There is going to be a necessity of an agreement that will
4 have to be entered into between the Arizona Department of
5 Transportation and Phelps-Dodge with an understanding of the
6 steps that are going to be taken and what the eventual outcome
7 is going to be.

8 So, in the next several months this agreement is
9 going to be put together on whether or not they are going to
10 build this, whether we are going to accept their design, and
11 how the construction is actually going to occur. We are not
12 going to leave Phelps-Dodge spending 10 million dollars with
13 a possibility that the road is not going to be abandoned.

14 The agreement would probably have those terms in it,
15 that after all of the conditions of the agreement are met,
16 the eventual outcome would be the abandonment of the highway.
17 This is the full intent, the reason the proposal has been made
18 to build it. So, I don't think you could expect Phelps-Dodge
19 to build a road and then with the opportunity that there may
20 not be an abandonment.

21 The board is going to have to consider this; it is
22 going to have to do certain discussion on acceptance of the
23 terms of the agreement, of the conditions under which Phelps-
24 Dodge would proceed with the construction, and then the terms
25 of which we would accept that road into the state system,

1 taken into the state system in the '60s, and the existing
2 highway up Chase Creek was then termed as temporary 666.
3 Since that time there has been relocation on the west side of
4 the pit, and temporary 666 now comes up through Morenci and
5 goes around and comes in up at Gomez's ranch up back into
6 Chase Creek.

7 In addressing U.S. 666, in the '60s there was a
8 proposal made by the then Highway Department that we would
9 build, / ^{up the} San Francisco river and come out at Four-Bar Mesa,
10 an alignment in the highway. The fact is, we started. We
11 built six miles of highway up the San Francisco river, expend-
12 ed six million dollars in doing it.

13 Since that time, in the '70s, I think the revenues
14 of the department, like many of your revenues, came down. It
15 became apparent that there were not sufficient funds to con-
16 tinue the construction at that time up the San Francisco river.

17 I think in the late '60s and early '70s there was
18 an estimate of some 30 million dollars to put that road up
19 there. Since that time, with the escalation in construction
20 costs, inflation going up, the price tag on that river now
21 probably exceeds 100 million dollars. And there is just not
22 money in the foreseeable future in the Department of Transpor-
23 tation budget where that kind of money is available. It's
24 very doubtful that you will see a highway built up the San
25 Francisco river in today's economic times.

1 about 110 thousand dollars to seal that/once every four years, or
2 something like that? And this cost burden will be put on to
3 the County or the City once every four years.

4 If it's still a viable road for tourist traffic,
5 it's still a road being used by the people of the state to
6 come to the historical sites, then perhaps the state doesn't
7 have to abandon it altogether. If a road is built in Phoenix,
8 that doesn't necessarily mean they have to abandon 666; or
9 if 666 is built up here, it doesn't necessarily mean you have
10 to abandon a road useful to the people in the state. Is that
11 true?

12 MR. HAYDEN: That is true. But as we discussed
13 earlier and as it was repeated, that study, if you will, is
14 informally being conducted presently and a decision will have
15 to be made in the near future and, of course, our ADOT per-
16 sonnel will be in touch with Greenlee County as to how and
17 where and et cetera.

18 MR. SPAULDING: And you will be able to provide us,
19 perhaps, with the criteria necessary to stay and use an
20 average ADT, or a historical site, or whatever is necessary
21 to keep a road on the state system?

22 MR. HAYDEN: We will work with the County to what-
23 ever extent possible.

24 MR. SPAULDING: Okay. Thank you.

25 MR. HAYDEN: Thank you, Mr. Spaulding.

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8 I, ROBERT J. BAUGH, Official Court
9 Reporter herein, do hereby certify that
10 the foregoing 39 pages constitute a
11 full, true, and accurate transcript of
12 the proceedings had in this matter on
13 November 19, 1981, all done to the best
14 of my skill and ability.

15 DATED this 25th day of November,
16 1981.

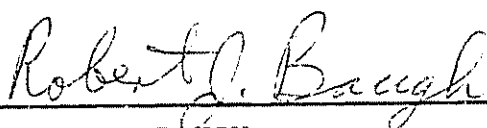
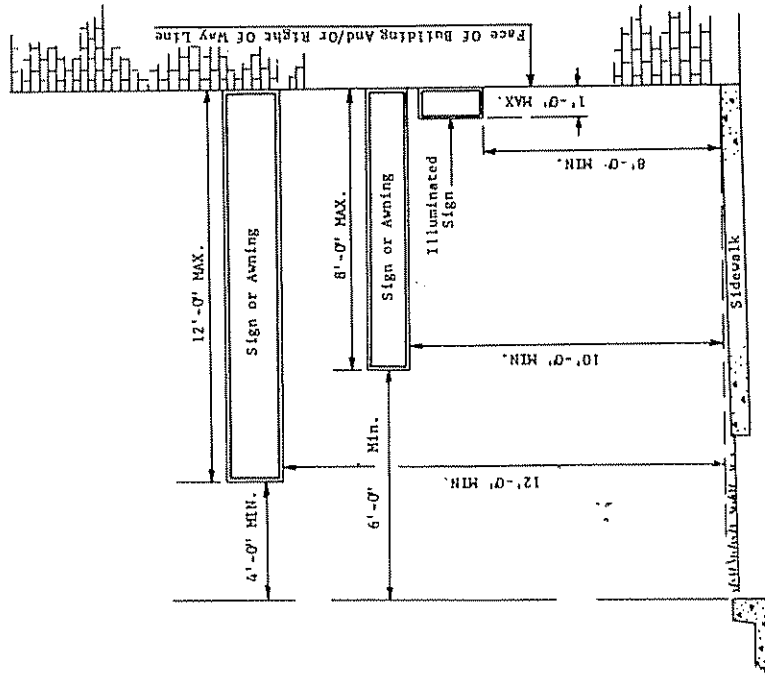
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20 _____
21 ROBERT J. BAUGH
22 Official Court Reporter
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EXHIBIT 10

GENERAL NOTES

1. A permit is required for all encroaching overhanging signs and awnings. These signs and awnings are permitted in curbed urban sections for on premise advertising.
2. No advertising signs are allowed on any Interstate or Rural highway rights of way. Signs on Frontage Roads within Highway R/W in urban areas are permitted by this standard.
3. Signs with words "Stop", "Slowdown", etc. or signs similar in shape or color to official traffic signs are not permitted.
4. Lengths of signs and awnings may vary as shown except where City or County ordinances provide smaller maximums.
5. Illuminated signs attached to a building facing the R/W are permitted as shown.
6. An outdoor advertising permit is required for off premise signs.
7. Ground supported or portable signs shall not be placed within any right of way areas.



PERMIT NEEDED

ARIZONA
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
STANDARD PLANS
PERMIT REGULATIONS
FOR SIGNS AND AWNINGS

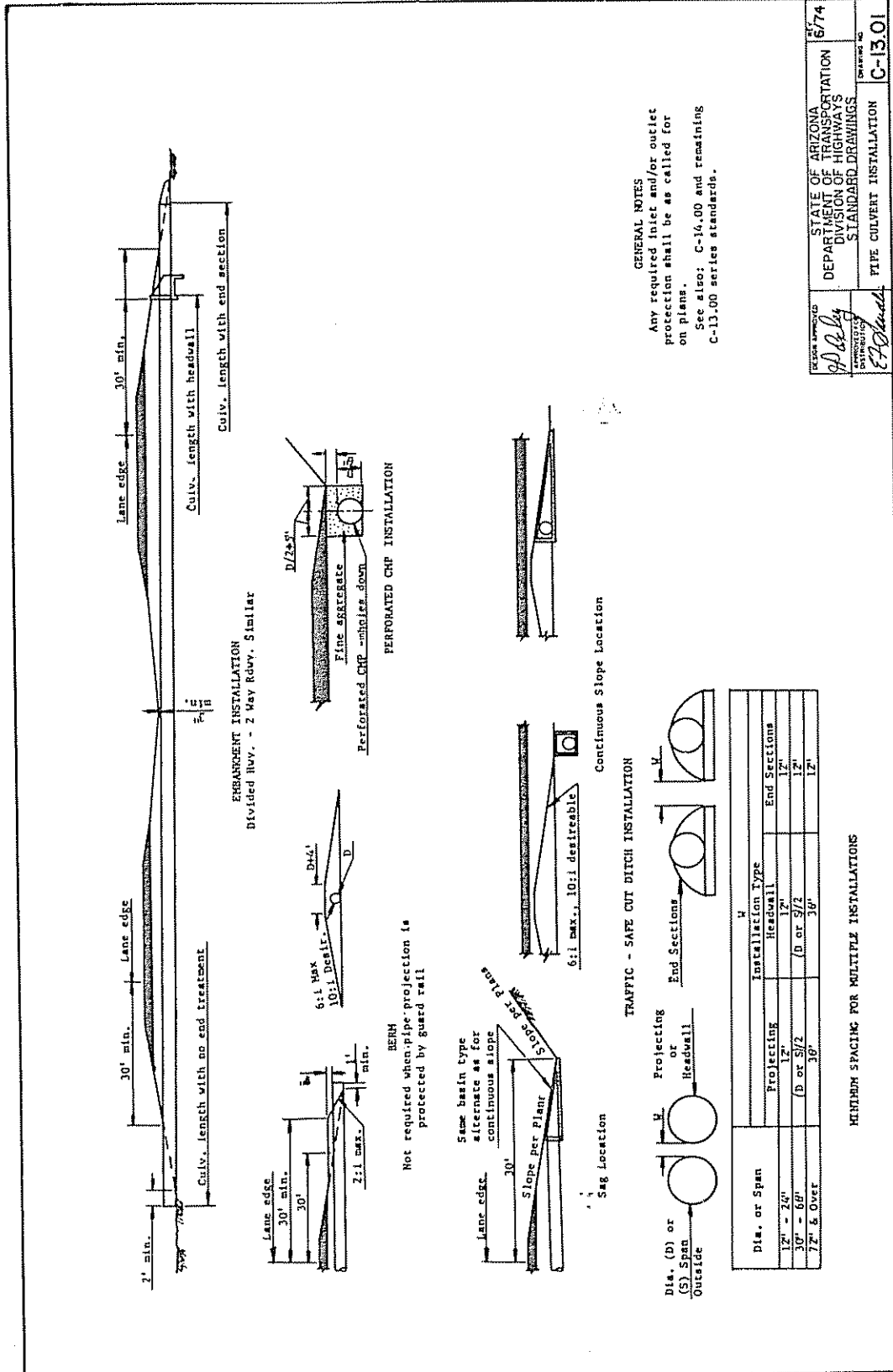


EXHIBIT 6

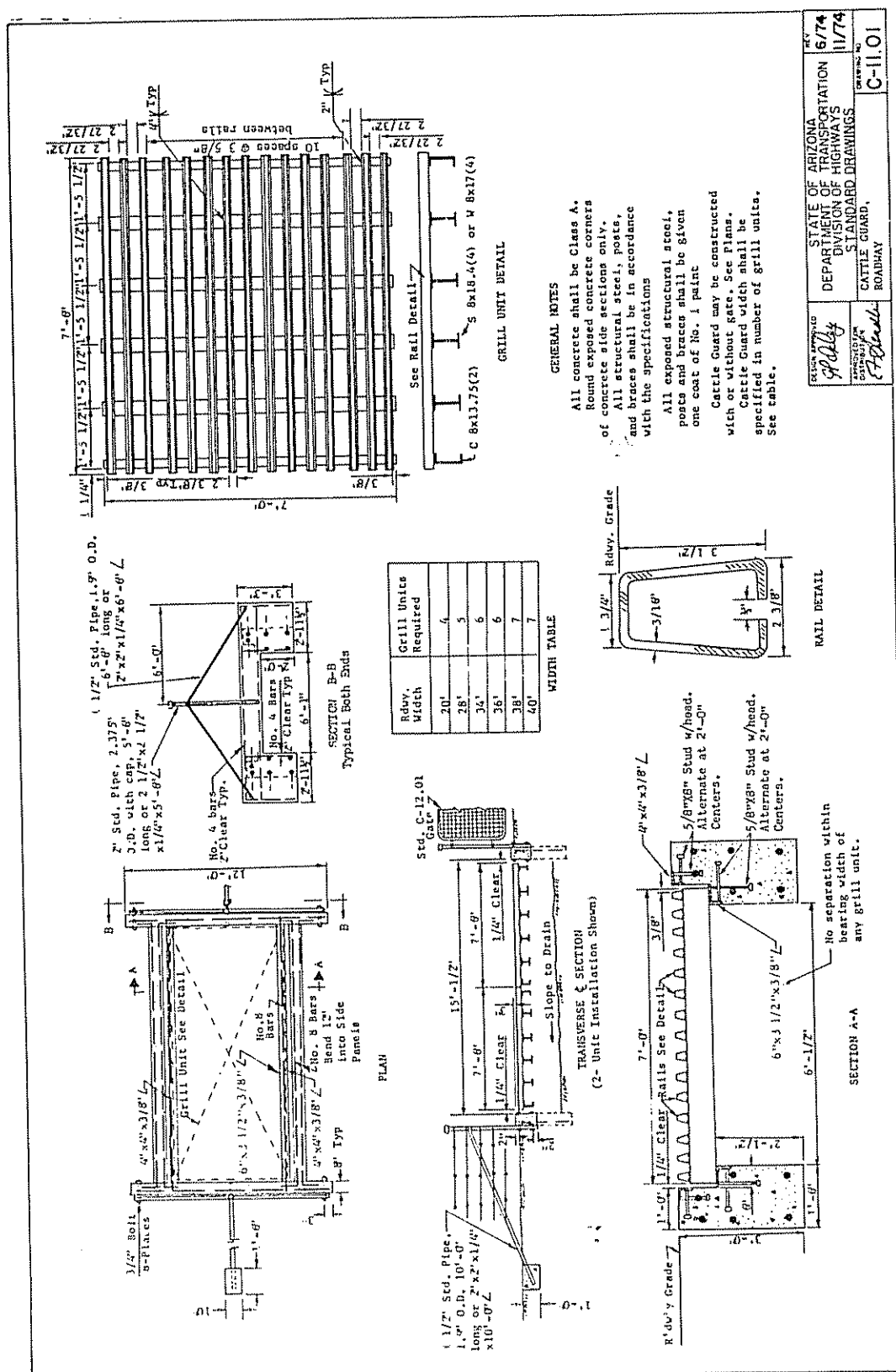
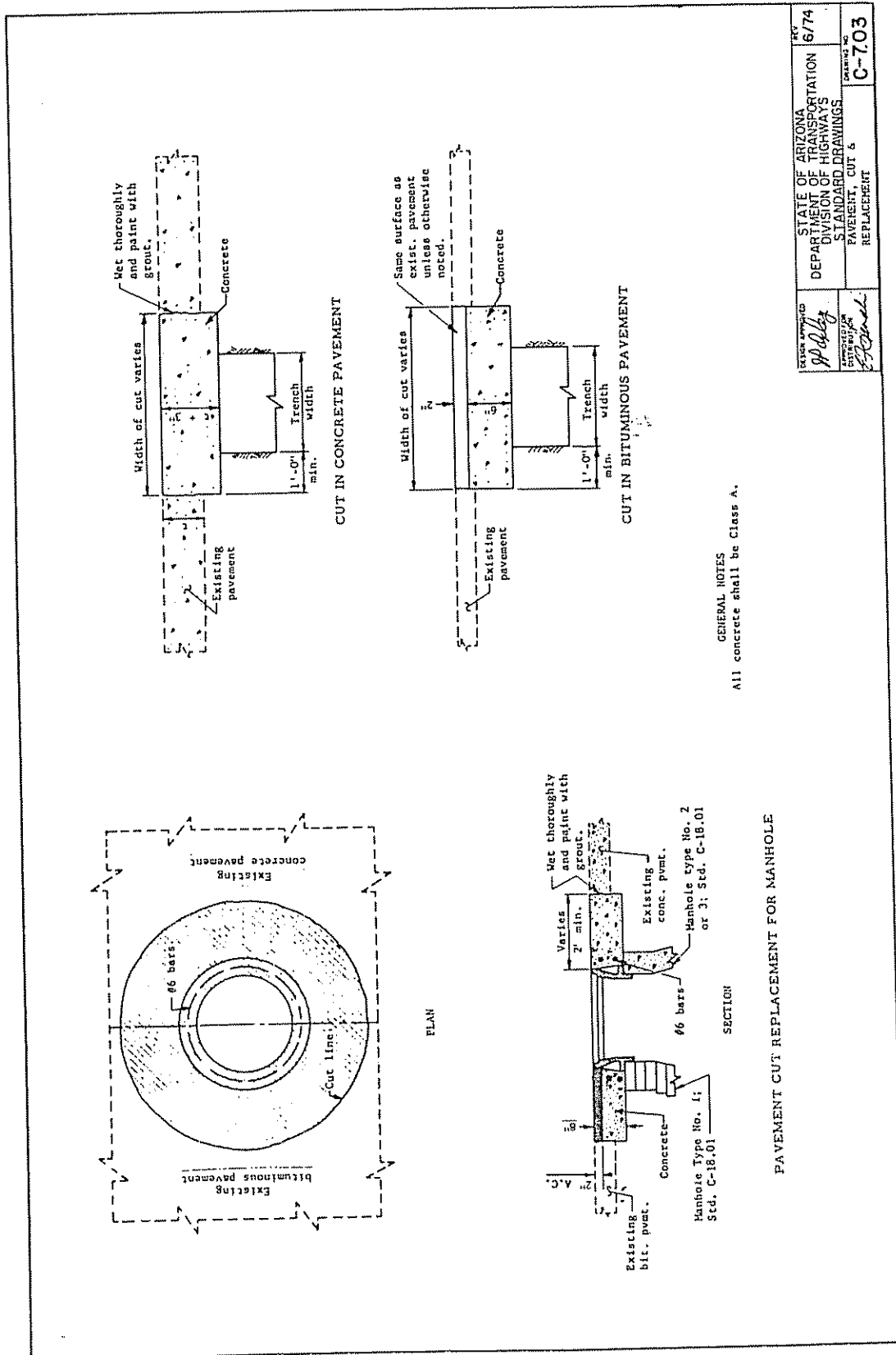
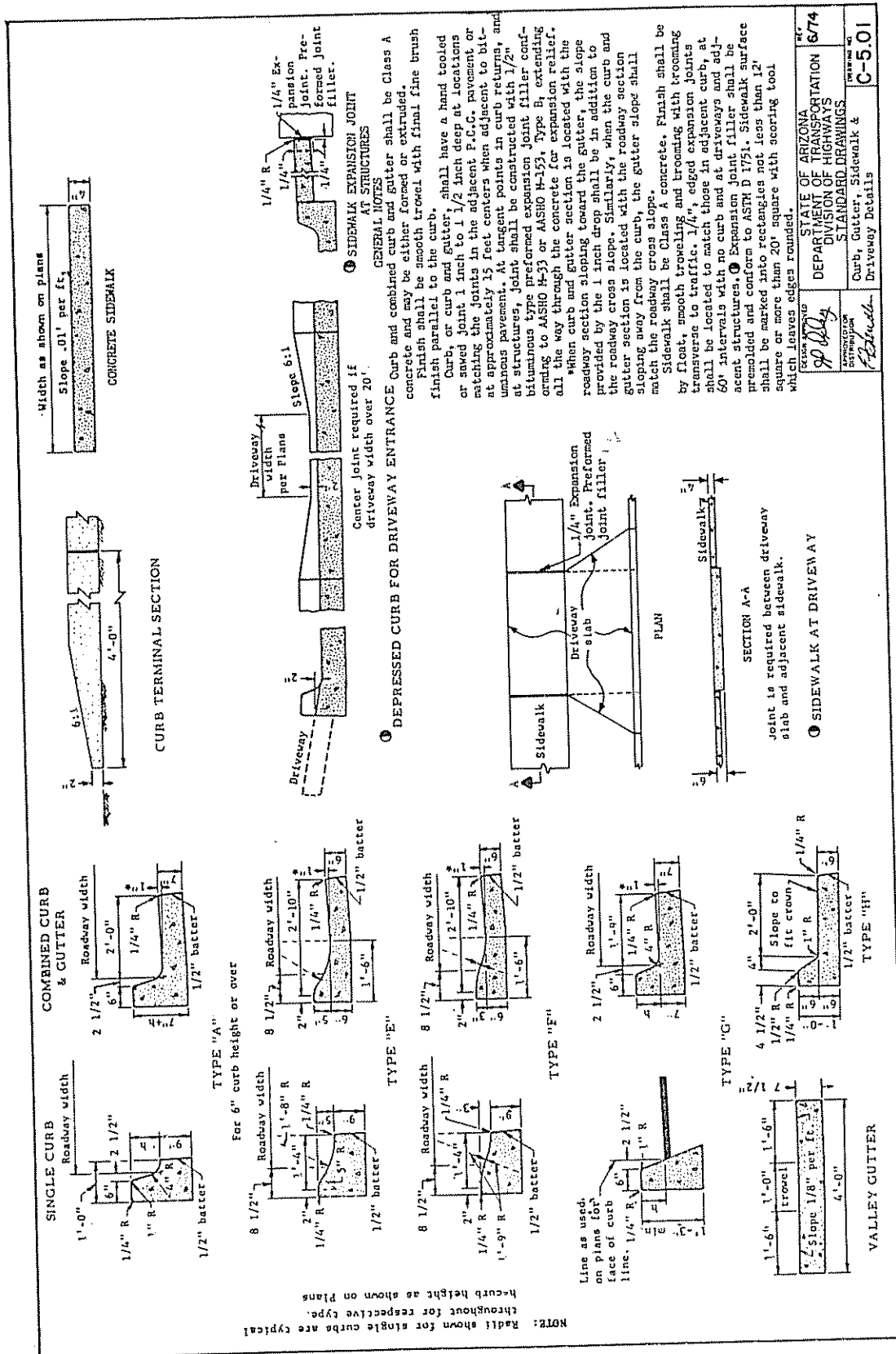


EXHIBIT 4



STATE OF ARIZONA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS STANDARD DRAWINGS PAVEMENT, CUT & REPLACEMENT	6/74	C-703
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authorized activities. Permits will always need to be acquired for these encroachments.

J. Traffic Hazards and Permits

No permit shall be issued for any encroachment if it creates a traffic hazard. Applicants will adhere to Arizona Traffic Control Manual and the manual on Uniform Traffic Control Devices. No work will be allowed without a properly approved permit.

DATED this 8th day of September, 1977.


E. F. SANDLIN
Deputy State Engineer
for Highway Operations

EFS/DPA/mk
Attachments - 10 Exhibits

7. A statement holding the Arizona Department of Transportation harmless in the event of any damage to persons or property which is caused by the event.

E. Temporary Signs or Banners, Including Christmas Decorations

No temporary signs, banners or Christmas decorations shall be attached to any traffic control device, nor shall any such signs, banners or decorations interfere with operation of such devices. Requests for temporary signs or banners shall be made in writing and submitted directly to the appropriate District Engineer as listed in Exhibit 1. The request shall include:

1. Location
2. Height of sign or banner across Highway (18' Minimum)
3. Size of sign or banner and wording
4. Inclusive dates sign or banner will hang

5. A statement holding the Arizona Department of Transportation harmless in the event of any damage to persons or property which is caused by this event.

6. Legend

F. Traffic Control and Detours

Traffic shall be protected at all times in accordance with the Arizona Department of Transportation Traffic Control Manual. All signs, placement of signs, barricades, lights, and necessity of flagmen shall be the responsibility of the Permittee.

G. City-Issued State Permits

When authorized by maintenance agreements with Arizona Department of Transportation, cities may issue permits to use State highway. A city authorized to issue State highway permits is required to use State Standard Permit Forms and follow such general State policies regarding encroachments as may be specified by Arizona Department of Transportation. State design standards may be modified in cases where city standards of design are more restrictive than State requirements, in which case City standards of design will be followed.

H. Maintenance Responsibility

The adjacent property owners having access to a State highway shall be fully responsible for the maintenance of their driveway including the portion from the highway right-of-way

both properties. If this is the case, only one of the two adjacent landowners need apply for the access permit but a notarized written mutual agreement, signed by all parties involved, must accompany the application form.

9. Signs

On-premise signs, displays, or devices may be erected on structures occupying highway right-of-way airspace, but shall be limited to those indicating ownership and type of on-premise activities and shall be constructed in accordance with Arizona Department of Transportation Standards (See Exhibit 10) No portion of the structure support is allowed within highway right-of-way.

10. Landscaping

a. The highway roadside is an integral unit of a total highway facility. The term "roadside" generally refers to the area between the outer edge of the roadway and the right-of-way boundary. These include all unpaved areas within the right-of-way.

b. All plans and specifications shall be sufficiently complete and detailed for easy analysis, cost estimating and compliance inspection and shall be submitted in accordance with "Roadside Development Landscaping Permit Guidelines" available to applicants upon request.

c. Permit applicants or their professional consultants may be required to discuss and coordinate landscape plans with the Roadside Development Services prior to permit approval.

d. Plans shall be designed to select plant materials appropriate for the intended use and location, to arrange plants for optimum effect, and to insure reasonable maintenance within the capability of the proposed permittee. Permit application will be reviewed for consideration of the factors which can affect the safe and efficient operation of the highway facility. It will be the responsibility of the permit applicant to assure that all landscaping is maintained after construction.

11. Hydraulics

At the discretion of the District Engineer the following information shall be submitted by permit applicants when any changes are made in drainage conditions:

a. A narrative report including a description of the existing drainage conditions, the proposed revisions and the effect of the proposed changes on existing conditions;

b. Maps and/or drawings sufficient to show all pertinent features of the proposed modifications. This may include site

nature. Permit applications will include four sets of plans on primary and secondary highways and five sets on Interstate highways. Commonly used construction standards are included as Exhibit Numbers 2 - 10.

3. Each Application Reviewed

Each pending application will be reviewed by all appropriate Department offices, beginning with the District. The findings of this review are then forwarded to the Maintenance Permit Engineer, Maintenance Section, for final examination and if approved, a permit is issued. No work is to be performed until the permit is approved. All work is to be in accordance with Arizona Department of Transportation standards.

4. Time Limit

Ninety (90) calendar days will be the normal time allowed for completion of construction. Time limits beyond ninety days' time may be granted as determined by the Arizona Department of Transportation.

5. Time Extension

Applicants may apply for a time extension beyond the allotted time indicated on the permit by contacting the District office. If work has changed, a reapplication may be required.

6. Transfer of Permits

Permits are transferable upon sale of ownership provided new owner furnishes the Arizona Department of Transportation with a notification within 30 days after date of sale. It is the obligation of the permittee to notify the new owner of the necessity to apply for a change of ownership.

7. Bonding

a. Performance bonds or other assurance of construction may be required to insure faithful performance of a permittee's obligation. The amount shall be equal to one half the amount of the cost of the work or any other possible financial loss to the State (as determined by the District Engineer).

b. The performance bonds shall be executed by the applicant as principal with a corporation duly authorized to transact surety business in the State of Arizona. The bond shall be in favor of the Arizona Department of Transportation, shall be continuous in form, and shall be limited to the face amount of the bond irrespective of the number of years the bond is in force. The bond shall be released upon satisfactory performance and acceptance of the work or may be cancelled after the applicant has provided other security satisfactory to

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ARIZONA DEPARTMENT OF TRANSPORTATION

ENCROACHMENTS IN HIGHWAY RIGHTS-OF-WAY

File No. R17-3-712

This pamphlet presents information regarding Arizona State law concerning encroachments in highway rights-of way. It also gives definitions, authority, responsibility, exhibits for encroachment permit application procedure, parade requests, temporary signs or banners traffic control and detours, city issued state permits, maintenance responsibility, unauthorized encroachments, and traffic hazards involving the use of highway right-of-way.

PREPARED AND DISTRIBUTED BY:
Maintenance Permits Services
Maintenance Section, Highways Division
Arizona Department of Transportation

October 21, 1977

9703 (see Exhibit 3-2) is prepared in triplicate by the District Office notifying the owner of the violation, and setting forth the time allowed for the removal of the encroachment. The white copy of the notice shall be sent to the owner by certified mail with return receipt, or handed to him in the presence of a witness; the yellow to the Maintenance Permit Engineer; and the blue shall be retained by the District Engineer.

3.08 REMOVAL OF ENCROACHMENTS

Normally, the District Engineer will have unauthorized encroachments removed after giving proper notice and waiting the prescribed time allowed for the owner to remove (ARS 28-1870 and 28-1871). The District Engineer shall document all costs incurred in such removal. When the District Engineer is unable to have an unauthorized encroachment removed, then he shall request legal actions through the Maintenance Permit Engineer. All pertinent information will be supplied to the Maintenance Permit Engineer.

3.09 LEGAL ACTION

When legal actions are necessary to remove an encroachment from the right-of-way, a recommendation is made through channels to the State Engineer by the Maintenance Permit Engineer. A complete file is submitted with this request. When approval is received, the Maintenance Permit Engineer shall then present all necessary materials to the Attorney General. The following materials will be needed to effectively file and prosecute an encroachment action:

a. A legal description of the property in question,

b. Maps showing the encroachment upon highway right-of-way, and its relation to highway facilities,

c. A report of the history of the contacts which have been made with the property owner and the demands upon him to remove the encroachments, and

d. An estimate shall be made of the expense to the owner in removing the illegal encroachment.

3.10 VIOLATIONS OF PERMIT SPECIFICATIONS

When the specifications of an authorized encroachment permit are not adhered to, the procedures outlined in paragraphs 3.08 and 3.09 will be followed after giving written notice to the owner by certified mail and waiting the prescribed number of days for the owner to remove or correct the encroachment.